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**AMENDMENT TRANSMITTAL LETTER**Docket Number  
EMS-07401

Application Number 10/808,781	Filing Date March 25, 2004	First Named Inventor Fernando OLIVEIRA	Group Art Unit 2164
Invention Title <b>CONTINUOUS DATA BACKUP</b>			Examiner <b>PANNALA, Sathyanaraya R.</b>

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is a response in the above-identified application, including:

- (X) Amendment and Response (22 Pages);  
(X) Amendment Transmittal (1 Page)  
(X) Return Postcard

**CLAIMS AS PRESENTED**

	(1)	(2)	(3)			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	Fee
TOTAL CLAIMS	30	Minus	35	0	X \$52	\$
INDEPENDENT CLAIMS	4	Minus	6	0	X \$220	\$
MULTIPLE DEPENDENT CLAIM ADDED					\$390	\$
					TOTAL	\$
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL		\$

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the highest number previously paid for Total Claims in column 2 is less than 20, enter "20."

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The "highest number previously paid for" (total or independent) is the highest number found in the appropriate box in column 1.

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Donald W. Muirhead, Reg. No. 33,978  
January 5, 2009

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Sandra Pires



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fernando OLIVEIRA, et al.

Appl. No.: 10/808,781

: Art Unit: 2164

Filed: March 25, 2004

: Examiner: PANNALA,  
Sathyanaraya R.

For: **CONTINUOUS DATA BACKUP**

: Docket No.: EMS-07401

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, "Post Office to Addressee", in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 5, 2009.

  
\_\_\_\_\_  
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**AMENDMENT AND RESPONSE TO OFFICE ACTION**

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Sir:

This paper is being provided in response to the Final Office Action dated October 28, 2008, for the above-captioned U.S. patent application.

**Amendments to the Claims** are listed beginning on page 2 of this paper.

**Remarks** begin on page 10 of this paper.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required for consideration of this paper (including fees for net addition of claims) are authorized to be charged in a Transmittal Letter filed herewith.